

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ANTHONY SHRONE PERSON,)	
)	
Petitioner,)	
)	
vs.)	NO. CIV-23-0695-HE
)	
RAMONA M. JONES, <i>et al.</i> ,)	
)	
Respondents.)	

ORDER

Petitioner Anthony Shrine Person, a Washington state prisoner appearing *pro se*, filed a document purporting to commence criminal proceedings in this jurisdiction pursuant Fed.R.Crim.P. 3 & 4. The document was interpreted as a petition for habeas relief pursuant to § 2254, and the matter was referred to Magistrate Judge Shon T. Erwin pursuant to 28 U.S.C. § 636(b)(1)(B) and (C) for initial proceedings. Upon initial review, Judge Erwin issued a Report and Recommendation recommending that the case be dismissed for lack of jurisdiction. Petitioner has objected to the Report triggering *de novo* review of matters to which objection has been raised.

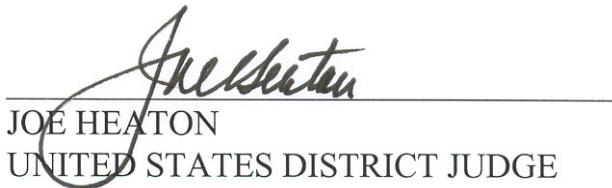
The Report recommends the petition be dismissed as a second or successive habeas petition filed without approval from the appropriate court of appeals. Petitioner objects to the Report arguing that what was filed is not a habeas petition, but rather a criminal complaint. As a private citizen, however, petitioner lacks standing to successfully pursue a criminal complaint. *See Diamond v. Charles*, 476 U.S. 54, 64 (1986) (“[A] private citizen

lacks a judicially cognizable interest in the prosecution or nonprosecution of another.”)
(quotations and citations omitted).

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #4]. Petitioner’s filing [Doc. #1], whether construed as a motion to commence criminal proceedings or as a habeas petition, is **DISMISSED** without prejudice but without leave to amend.

IT IS SO ORDERED.

Dated this 31st day of August, 2023.



JOE HEATON
UNITED STATES DISTRICT JUDGE